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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,646	02/19/2002	Elena A. Fedorovskaya	83957RLO	7936

7590 12/13/2005
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EXAMINER

SINGH, SATWANT K

ART UNIT PAPER NUMBER

2626

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,646

Applicant(s)

FEDOROVSKAYA ET AL.

Examiner

Satwant K. Singh

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- ✓ 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/19/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Philomin et al (US 2003/0081834).

3. Regarding Claim 1, Philomin et al disclose a method for collecting and associating affective information for at least one image in an imaging system, comprising the steps of: a) displaying a digital image for viewing by a particular user (presenting processed data signals to the display unit 24 for viewing) (page 2, paragraph [0021]); b) automatically collecting affective information for the digital image as the particular user views the image (monitoring the emotion of the viewer) (page 2, paragraph [0022]); and c) associating the affective information with the particular user (associating facial expressions associated with emotional states) (page 2, paragraphs [0022] and [0023]).

4. Regarding Claim 5 Philomin et al disclose a method wherein the step of automatically collecting affective information includes monitoring the physiology of the user (monitoring the emotion of the viewer) (page 2, paragraph [0022]).

Art Unit: 2626

5. Regarding Claim 6, Philomin et al disclose a method wherein the step of automatically collecting affective uses a video camera (observation unit 12 may be an optical sensor, sound sensor, a video camera) (page 2, paragraph [0022]).

6. Regarding Claim 7, Philomin et al disclose a method wherein the step of automatically collecting affective information includes determining the duration of time the user views each of the plurality of images (facial expression of viewer for predetermined amount of time) (page 4, Claim 4).

7. Regarding Claim 8, Philomin et al disclose a method wherein the step of automatically collecting affective information for the plurality of digital images includes monitoring the gaze of the user (technique of detecting the emotional state of the viewer... contour of the eye) (page 3, paragraph [0028]).

8. Regarding Claim 9, Philomin et al disclose a method for providing affective information for images in an imaging system, comprising the steps of: a) sequentially displaying a plurality of digital images for viewing by a particular user (presenting processed data signals to the display unit 24 for viewing) (page 2, paragraph [0021]); b) automatically collecting affective information for each of the plurality of digital images (monitoring the emotion of the viewer) (page 2, paragraph [0022]); and c) associating the affective information with the particular user (associating facial expressions associated with emotional states) (page 2, paragraphs [0022] and [0023]).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2626

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-4, 10-14, 16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philomin et al in view of Colmenarez et al (US 6,931,147).

11. Regarding Claim 2, Philomin et al fail to teach a further including the step of: d) the particular user providing a personal identifier.

Colmenarez et al teach a method further including the step of: d) the particular user providing a personal identifier (web site could request an identifier and a password) (col. 2, lines 6-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Philomin with the teaching of Colmenarez to require a user to identify themselves every time they access the virtual photo album.

12. Regarding Claim 3, Philomin et al fail to teach a method wherein the affective information and a user identifier are stored with the digital image in a digital image file.

Colmenarez et al teach a method wherein the affective information and a user identifier are stored with the digital image in a digital image file (viewer activated the virtual photo album) (col. 2, lines 1-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Philomin with the teaching of Colmenarez to require a user to identify themselves every time they access the virtual photo album.

Art Unit: 2626

13. Regarding Claim 4, Philomin et al fail to teach a method wherein the digital image file includes affective information and user identifiers for a plurality of users.

Colmenarez et al teach a method, wherein the digital image file includes affective information and user identifiers for a plurality of users (past viewers) (col. 2, lines 18-24).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Colmenarez to allow a plurality of viewers access to the virtual photo album.

14. Regarding Claim 10, Philomin et al fail to teach a method wherein the affective information for each of the plurality of digital images is stored along with the digital image in separate digital image files, and the digital image files include a user identifier which identifies the particular user.

Colmenarez et al teach a method wherein the affective information for each of the plurality of digital images is stored along with the digital image in separate digital image files (virtual photo album), and the digital image files include a user identifier which identifies the particular user (identifier and password) (col. 2, lines 1-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Philomin with the teaching of Colmenarez to require a user to identify themselves every time they access the virtual photo album.

15. Regarding Claim 11, Philomin et al teach a system for providing affective information for images in an imaging system, comprising: c) a display which sequentially

Art Unit: 2626

displays the set of digital images for viewing by the particular user (presenting processed data signals to the display unit 24 for viewing) (page 2, paragraph [0021]); d) a sensor for automatically measuring the particular user's reaction to the image (observation unit 12) (page 2, paragraph [0022]); and e) a processor for processing the signal from the sensor to provide affective information for the set of digital images (control unit 16) (control unit 16 analyzes data from the observation unit 12) (page 2, paragraph [0023]).

Philomin et al fail to teach a system for providing affective information for images in an imaging system, comprising: a) a digital memory which stores a set of digital images; b) means for identifying a particular user.

Colmenarez et al teach a system for providing affective information for images in an imaging system, comprising: a) a digital memory which stores a set of digital images set of photos retrieved from a storage area) (col. 2, lines 18-24); b) means for identifying a particular user (identifier and password) (col. 2, lines 1-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Philomin with the teaching of Colmenarez to require a user to identify themselves every time they access the virtual photo album.

16. Regarding Claim 12, Philomin et al teach a system wherein the sensor is a video camera (observation unit 12 may be an optical sensor, sound sensor, a video camera) (page 2, paragraph [0022]).

17. Regarding Claim 13, Philomin et al teach a system wherein the processor processes the signal from the video camera in order to determine the user's facial expression (observation unit communicates with the control unit 16, which analyzes data from the observation unit 12) (page 1, paragraph [0023]).

18. Regarding Claim 14, Philomin et al disclose a system wherein the sensor measures the user's biometric response (facial expressions associated with emotional states) (page 2, paragraph [0022]).

19. Regarding Claim 16, Philomin et al fail to teach a system wherein the system includes a pointing device, and the sensor is incorporated into the pointing device.

20. Colmenarez et al teach a system wherein the system includes a pointing device, and the sensor is incorporated into the pointing device (viewer interface (UI) 205 comprises a camera) (col. 2, lines 54-65).

21. Regarding Claim 18, Philomin et al teach a system wherein the affective information is stored in the digital memory (facial expressions stored in the recognition module 14) (page 2, paragraph [0023]).

22. Regarding Claim 19, Philomin et al fail to teach a system wherein the affective information is stored with each digital image in a digital image file.

Colmenarez et al teach a system wherein the affective information is stored with each digital image in a digital image file (virtual photo album) (col. 2, lines 1-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Philomin with the teaching of Colmenarez to store a viewers emotional expressions in a virtual photo album.

Art Unit: 2626

23. Regarding Claim 20, Philomin et al fail to teach a system wherein the digital image file includes affective information and user identifiers for a plurality of users.

Colmenarez et al teach a system wherein the digital image file includes affective information and user identifiers for a plurality of users (past viewers) (col. 2, lines 18-24).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Colmenarez to allow a plurality of viewers access to the virtual photo album.

24. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Philomin et al. and Colmenarez et al. as applied to claim 14 above, and further in view of Stern et al. (US 2002/0107741).

25. Regarding Claim 15, Philomin et al and Colmenarez et al fail to teach a system wherein the sensor measures the user's galvanic skin response.

Stern et al teach a system wherein the sensor measures the user's galvanic skin response (biometric sensor 240) (page 3, paragraph [0040]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin and Colmenarez with the teaching of Stern to use a biometric sensor to monitor biological or physiological characteristics or responses of the viewer.

26. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Philomin et al. and Colmenarez et al. as applied to claim 16 above, and further in view of Stern et al. (US 2002/0107741).

27. Regarding Claim 17, Philomin et al and Colmenarez et al fail to teach a system wherein the sensor measures the user's galvanic skin response.

Stern et al teach a system wherein the sensor measures the user's galvanic skin response (biometric sensor 240) (page 3, paragraph [0040]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin and Colmenarez with the teaching of Stern to use a biometric sensor to monitor biological or physiological characteristics or responses of the viewer.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hata et al. (US 2002/0109719) disclose an information processing device and method, and a recording medium for enabling several users to participate a respective avatars in a virtual space constructed on a network and to have conversations with other users.

Kenney et al. (US 2002/0141650) disclose digital image compression with spatially varying quality levels determined by identifying areas of interest.

Schott et al. (US 2003/0033266) disclose an apparatus and method for problem solving using intelligent agents.

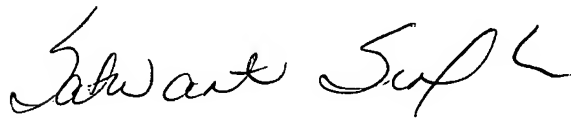
Dimitrova et al. (US 2003/0093784) discloses affective television monitoring and control.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571) 272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

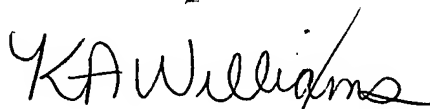
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



sks

Satwant K. Singh
Examiner
Art Unit 2626



KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER